

## 37 Am. Jur. 2d Fraud and Deceit Summary

American Jurisprudence, Second Edition | May 2021 Update

### Fraud and Deceit

George Blum, J.D., John Bourdeau, J.D., Romualdo P. Eclavea, J.D., Janice Holben, J.D., Karl Oakes, J.D. and Eric C. Surette, J.D.

### [Correlation Table](#)

## Summary

### Scope:

This article discusses the general principles of fraud and deceit, the definitions and nature thereof, what constitute actionable misrepresentations and fraud as grounds for damages or equitable relief, and the elements, legal incidents, and effect of fraud, fraudulent representations, concealment, and deceit, including the persons liable, the persons entitled to relief, the remedies available, the measure of damages, the defenses against liability, and matters of practice and procedure in actions therefor.

### Federal Aspects:

[Fed. R. Civ. P. 8\(c\)](#) provides that fraud as a defense is to be pleaded affirmatively, while [Fed. R. Civ. P. 9\(c\)](#) states that in all averments of fraud or mistake, the circumstances constituting fraud or mistake must be stated with particularity. There are numerous federal statutes that criminalize the making of false statements in particular contexts or that preclude participation in federal programs or funding where a fraudulent or false statement has been made in the application or other related aspect.

### Treated Elsewhere:

Accountant's liability to third party for fraud, see [Am. Jur. 2d, Accountants § 17](#)

Annulment of marriage, fraud as grounds for, see [Am. Jur. 2d, Annulment of Marriage §§ 9 to 23](#)

Arbitration: arbitration award as subject to vacation for fraud on the part of arbitrator or party to arbitration, see [Am. Jur. 2d, Alternative Dispute Resolution §§ 221, 227](#); claim of fraud in inducement of contract as subject to arbitration by virtue of arbitration clause in contract, see [Am. Jur. 2d, Alternative Dispute Resolution § 41](#)

Architect's liability to employer for fraud, see [Am. Jur. 2d, Architects § 24](#)

Attorneys at law: knowledge of acts by attorney in fraud of client as imputed to client, see [Am. Jur. 2d, Attorneys at Law § 155](#); attorney-client privilege as extending to communications in contemplation or commission of fraud, see [Am. Jur. 2d, Witnesses § 382](#)

Bankruptcy: debts incurred by falsity or fraud as nondischargeable in bankruptcy, see [Am. Jur. 2d, Bankruptcy §§ 3584 to 3618](#); effect of debtor's fraud on exemption of property from estate in bankruptcy, see [Am. Jur. 2d, Bankruptcy §§ 1407 to 1411](#); fraudulent prepetition transfers and obligations, see [Am. Jur. 2d, Bankruptcy §§ 2205 to 2325](#)

Bills and notes: fraud committed at the time of an instrument's origin or inception as defense against liability on the instrument, see [Am. Jur. 2d, Bills and Notes §§ 531 to 538](#); effect of forged or fraudulent signature or indorsement, see [Am. Jur. 2d, Bills and Notes §§ 539 to 546](#); fraudulent alteration, see [Am. Jur. 2d, Bills and Notes § 549](#)

Brokers: liability of broker to principal for fraudulent conduct or misrepresentations, see [Am. Jur. 2d, Brokers §§ 150, 151](#); liability of broker to third party for fraud or misrepresentation, see [Am. Jur. 2d, Brokers §§ 168 to 171](#)

Burglary: use of fraud or trick to gain entry as “constructive breaking” for purposes of prosecution for burglary, see [Am. Jur. 2d, Burglary § 15](#)

Cancellation of instrument on grounds of fraud, misrepresentation, or concealment, see [Am. Jur. 2d, Cancellation of Instruments §§ 13 to 18](#)

Compromise and settlement, fraud as grounds for invalidation of, see [Am. Jur. 2d, Compromise and Settlement §§ 32, 33](#)

Computer fraud, actions for, see [Am. Jur. 2d, Computer and the Internet §§ 238 to 243, 246 to 259](#)

Constructive trust arising from fraud or other wrongful conduct, see [Am. Jur. 2d, Trusts §§ 168 to 204](#)

Contracts, effect of fraud or misrepresentation on making of, see [Am. Jur. 2d, Contracts §§ 214 to 217, 287, 570](#)

Controlled substances, fraud offenses under Uniform Controlled Substances Act relating to manufacture and distribution of, see [Am. Jur. 2d, Drugs and Controlled Substances §§ 166, 167](#)

Conveyances in fraud of creditors, see [Am. Jur. 2d, Fraudulent Conveyances and Transfers §§ 1 et seq.](#)

Corporate officials’ liability for false information in reports, certificates, etc., filed, generally, see [Am. Jur. 2d, Corporations §§ 1636, 1637](#)

Crimes involving fraud or false statements, generally, see [Am. Jur. 2d, False Personation §§ 1 et seq.](#); [Am. Jur. 2d, False Pretenses §§ 1 et seq.](#); [Am. Jur. 2d, Post Office §§ 119 to 136](#) (Mail fraud)

Deed, effect of fraud on validity of, see [Am. Jur. 2d, Deeds §§ 167 to 171](#)

Divorce or dissolution of marriage, fraud as grounds for, see [Am. Jur. 2d, Divorce and Separation §§ 98 to 101](#)

Duress and undue influence, see [Am. Jur. 2d, Duress and Undue Influence §§ 1 et seq.](#)

Extradition: fraud or deceit in procuring of extradition proceedings as affecting jurisdiction of court to try defendant on charge of crime, see [Am. Jur. 2d, Criminal Law § 440](#)

Fair Debt Collection Practices Act as prohibiting debt collector from using false, deceptive, or misleading representation or means in connection with collection of debt, see [Am. Jur. 2d, Consumer and Borrower Protection §§ 202 to 207](#)

False personation, see [Am. Jur. 2d, False Personation §§ 1 et seq.](#)

False pretenses, see [Am. Jur. 2d, False Pretenses §§ 1 et seq.](#)

Forgery, see [Am. Jur. 2d, Forgery §§ 1 et seq.](#)

Fraudulent conveyances and transfers, see [Am. Jur. 2d, Fraudulent Conveyances and Transfers §§ 1 et seq.](#)

Guaranty agreement, effect of fraud on validity of, see [Am. Jur. 2d, Guaranty § 41](#)

Husband and wife: married person’s transaction with third person in fraud of marital rights of spouse, see [Am. Jur. 2d, Husband and Wife §§ 57 to 64](#); fraud in transactions between husband and wife, see [Am. Jur. 2d, Husband and Wife §§ 78, 99, 127](#)

Infants: misrepresentation by infant as to his or her age as estopping him or her from avoiding contract on ground of infancy, see [Am. Jur. 2d, Infants §§ 101 to 103](#); liability of infant in tort for fraudulently inducing another to contract with him or her, see [Am. Jur. 2d, Infants §§ 135, 136](#)

Insurance: concealments and representations made in connection with application for insurance, see [Am. Jur. 2d, Automobile Insurance §§ 59 to 90, Am. Jur. 2d, Insurance §§ 1006 to 1314](#); fraud or misrepresentation in connection with notice or proof of loss, see [Am. Jur. 2d, Insurance §§ 1363 to 1368](#)

Judgment, relief from, on grounds of fraud, misrepresentation, or other misconduct of adverse party, see [Am. Jur. 2d, Judgments §§ 19, 694 to 699](#)

Letters of credit, fraud with respect to, see [Am. Jur. 2d, Letters of Credit §§ 34 to 36](#)

Limitation of actions: limitation period for bringing of civil action as tolled by fraudulent concealment of cause of action, see [Am. Jur. 2d, Limitation of Actions §§ 162 to 168](#); fraud or misrepresentation as estopping reliance on limitation period, see [Am. Jur. 2d, Limitation of Actions §§ 373 to 376](#)

Medical practitioner's license as revocable on grounds of fraud in its procurement, see [Am. Jur. 2d, Physicians, Surgeons, and Other Healers § 73](#)

Motor vehicles: liability of repairer for unauthorized, unnecessary, or fraudulent repairs to motor vehicle, see [Am. Jur. 2d, Garages, Service Stations, and Parking Facilities § 57](#)

Partnership: liability of partnership to third party for fraud, see [Am. Jur. 2d, Partnership §§ 429 to 431](#); liability between partners for fraud in transaction or settlement, see [Am. Jur. 2d, Partnership § 370](#); rescission of partnership contract for fraud, see [Am. Jur. 2d, Partnership § 390](#)

Perjury, see [Am. Jur. 2d, Perjury §§ 1 et seq.](#)

Pleading fraud under Federal Rules of Civil Procedure, see [Am. Jur. 2d, Pleading §§ 201 to 207, 309](#)

Private franchise relationship, fraud in connection with, see [Am. Jur. 2d, Private Franchise Contracts §§ 247 to 269](#)

Process, liability for false return of, see [Am. Jur. 2d, Process §§ 303, 304](#)

Reformation of instrument, fraud or inequitable conduct as grounds for, see [Am. Jur. 2d, Reformation of Instruments §§ 24 to 28](#)

Release, effect of fraud or misrepresentation on validity of, see [Am. Jur. 2d, Release §§ 23 to 25](#)

Sales of goods: remedies of seller for material misrepresentation or fraud of buyer, see [Am. Jur. 2d, Sales §§ 1931 to 1033](#); remedies of buyer for seller's fraud, see [Am. Jur. 2d, Sales §§ 1075 to 1084](#)

Searches and seizures: use of ruse or subterfuge by police officer to execute search warrant, see [Am. Jur. 2d, Searches and Seizures § 247](#)

Securities fraud, see [Am. Jur. 2d, Securities Regulation—Federal §§ 277, 307, 397 to 413, 425 to 441, 1194 to 1202, 1386 to 1484; Am. Jur. 2d, Securities Regulation—State §§ 160 to 164, 196](#)

Specific performance, fraud as affecting right to, see [Am. Jur. 2d, Specific Performance §§ 61 to 68](#)

Statute of frauds, see [Am. Jur. 2d, Statute of Frauds §§ 1 et seq.](#)

Suretyship: fraud or misrepresentations as affecting liability of surety, see [Am. Jur. 2d, Suretyship § 92](#)

Unfair trade practices, including deceptive trade practices and misrepresentations as to products, prices, and other matters, see [Am. Jur. 2d, Consumer and Borrower Protection §§ 255 to 281](#); [Am. Jur. 2d, Monopolies, Restraints of Trade, and Unfair Trade Practices §§ 69 to 87, 127 to 137](#)

Usury: borrower's initiation of, or fraud contributing to, usurious transaction as estopping borrower from asserting usury as defense, see [Am. Jur. 2d, Interest and Usury § 277](#); as affecting lender's right to recover principal and interest, see [Am. Jur. 2d, Interest and Usury § 228](#)

Wills: effect of fraud on validity of a will, see [Am. Jur. 2d, Wills §§ 394 to 398](#); statutory limitation period for contesting will as tolled by fraud, see [Am. Jur. 2d, Wills § 772](#)

Workers' compensation statute as precluding legal action by employee against employer for fraud, deceit, or false representation, see [Am. Jur. 2d, Workers' Compensation §§ 70 to 72](#)

<b>Research References:</b>
-----------------------------

**Westlaw Databases**

[All Federal Cases \(ALLFEDS\)](#)

[All State Cases \(ALLSTATES\)](#)

[American Law Reports \(ALR\)](#)

[West's A.L.R. Digest \(ALRDIGEST\)](#)

[American Jurisprudence 2d \(AMJUR\)](#)

[American Jurisprudence Legal Forms 2d \(AMJUR-LF\)](#)

[American Jurisprudence Proof of Facts \(AMJUR-POF\)](#)

[American Jurisprudence Pleading and Practice Forms Annotated \(AMJUR-PP\)](#)

[American Jurisprudence Trials \(AMJUR-TRIALS\)](#)

[Code of Federal Regulations \(CFR\)](#)

[Federal Procedure \(FEDPROC\)](#)

[Federal Procedural Forms \(FEDPROF\)](#)

[Uniform Laws Annotated \(ULA\)](#)

[United States Code Annotated \(USCA\)](#)

## 37 Am. Jur. 2d Fraud and Deceit I A Refs.

American Jurisprudence, Second Edition | May 2021 Update

### Fraud and Deceit

George Blum, J.D., John Bourdeau, J.D., Romualdo P. Eclavea, J.D., Janice Holben, J.D., Karl Oakes, J.D. and Eric C. Surette, J.D.


#### I. Overview

##### A. In General; Definitions and Types of Fraud

[Topic Summary](#) | [Correlation Table](#)

### Research References

#### West's Key Number Digest

West's Key Number Digest, [Fraud](#)  1, 4 to 4.5, 6, 7

#### A.L.R. Library

A.L.R. Index, Concealment

A.L.R. Index, Constructive Fraud

A.L.R. Index, Fraud and Deceit

A.L.R. Index, Tricks and Trickery

West's A.L.R. Digest, [Fraud](#)  1, 4 to 4.5, 6, 7

---

© 2021 Thomson Reuters. 33-34B © 2021 Thomson Reuters/RIA. No Claim to Orig. U.S. Govt. Works. All rights reserved.

End of Document

© 2021 Thomson Reuters. No claim to original U.S. Government Works.